

EXHIBIT 10

(<http://www.chicagotribune.com>)

Hoge Wins Law suit Against Doctor

July 22, 2000 | By Rummana Hussain, Tribune Staff Writer.

A Lake County jury Friday ordered a former Bears team physician to pay former fullback Merrill Hoge \$1.55 million for failing to warn him about the severity of his concussions, which Hoge said forced him to retire at 29.

Hoge, currently an analyst for ESPN, had sued Dr. John Munsell for nearly \$2.2 million, an estimate of his potential earnings had he remained an active player in the NFL. The medical malpractice lawsuit, filed in 1996, also sought an unspecified amount for pain and suffering and disability.

After deliberating for nearly 10 hours, the jury awarded Hoge \$1.45 million for two years of a three-year contract he was not paid for and \$100,000 for pain and suffering.

"Merril is very pleased that the jury agreed that even football players deserve to get medical treatment like other people," said Bob Fogel, Hoge's attorney.

Munsell's attorney, William Rogers, said the jury might not have been as sympathetic had they learned Hoge recovered \$1 million in insurance and additional money from a workman's compensation case against the Bears and from an NFL injury separation agreement.

Rogers said those points were not allowed at the trial and he promised to appeal the decision.

The two-week trial in Waukegan consisted of testimony from various doctors and team officials, including former Bears coach Dave Wannstedt.

Munsell should have sat Hoge down and explained the risks involved with the injuries he suffered at a preseason game Aug. 22, 1994 against Kansas City, Fogel said.

"Athletes in all sports will play through aches and pains unless they are aware of their significance," he said during his closing argument Thursday.

Munsell did not inform Hoge or his wife about the possibility of brain damage and the symptoms relating to a concussion, Fogel said. He also failed to perform a "return to play exam" after the Aug. 22 game, he said.

Hoge, now 35, ended his career with the Bears when he suffered another concussion in an Oct. 2, 1994 game at Soldier Field against the Buffalo Bills. If Munsell had cautioned Hoge against playing after the Aug. 22 injury, he might have refrained from playing in the following months and remained active for a longer period, Fogel said.

Rogers argued that Hoge, who suffered 12 concussions since he began playing football in high school 19 years ago, was responsible for his actions.

Hoge never complained of any symptoms, he said. Munsell "is not the cause of his retirement," Rogers said at the end of trial.

Fogel acknowledged the "sports culture" encourages athletes to play after suffering injuries. But Hoge did not know the headaches and fatigue he was feeling were related to his concussions, he said.

Hoge suffered brain damage and has difficulty focusing or concentrating for long periods, Fogel said.

Related Articles

Hoge's Suit Vs. Ex-bears Doctor May Set Precedent (/2000-07-18/sports/0007180279_1_signs-and-symptoms-second-impact-syndrome-concussions)
July 18, 2000

Experts: Hoge's Prognosis Unclear (/1994-10-18/sports/9410180002_1_concussion-head-injury-brain-damage)
October 18, 1994

Hoge, Bears Await Report By Specialist (/1994-10-12/sports/9410120178_1_concussion-neurological-test-results-dr-james-p-kelly)
October 12, 1994

Concussions Are Latest Danger To Nfl Players (/1994-10-25/sports/9410250027_1_concussion-bears-coach-dave-wannstedt-chris-miller)
October 25, 1994

Filling Hoge's Roster Spot In The Works (/1994-10-
18/sports/9410180098_1_dave-wannstedt-practice-squad)
October 18, 1994

Find More Stories About

Brain Damage (/keyword/brain-damage)

Terms of Service

(<http://www.chicagotribune.com/tos/>)

Privacy Policy

(<http://www.chicagotribune.com/privacy/>)

Index by Date

(/2000/jul/22)

Index by Keyword

Connect (/keywords)

Like us on Facebook

www.chicagotribune.com
(<https://www.facebook.com/chicagotribune>)

(<https://www.chicagotribune.com>)

Follow us on Twitter

(<http://twitter.com/#!/chicagotribune>)

Chicago Tribune